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**IN THE UNITED STATES DISTRICT COURT**  
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**FOR THE DISTRICT OF ARIZONA**  
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9 Jill Whitmer,  
10 Plaintiff,  
11 v.  
12 Angie Baugh, et al.,  
13 Defendants.  
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No. CV-23-00239-PHX-JFM

**ORDER**

15 This matter was assigned to Magistrate Judge James F. Metcalf. (Doc. 2). On April  
16 27, 2023, the Magistrate Judge filed a Report and Recommendation with this Court.<sup>1</sup> (Doc.  
17 20). To date, no objections have been filed.

18 **STANDARD OF REVIEW**

19 The Court “may accept, reject, or modify, in whole or in part, the findings or

20 <sup>1</sup> This case is assigned to a Magistrate Judge. However, not all parties have consented  
21 to the jurisdiction of the Magistrate Judge. Thus, the matter is before this Court pursuant  
to General Order 21-25, which states in relevant part:

22 When a United States Magistrate Judge to whom a civil action has been  
23 assigned pursuant to Local Rule 3.7(a)(1) considers dismissal to be  
24 appropriate but lacks the jurisdiction to do so under 28 U.S.C. § 636(c)(1)  
due to incomplete status of election by the parties to consent or not consent  
to the full authority of the Magistrate Judge,

25 **IT IS ORDERED** that the Magistrate Judge will prepare a Report and  
26 Recommendation for the Chief United States District Judge or designee.

27 **IT IS FURTHER ORDERED** designating the following District Court  
28 Judges to review and, if deemed suitable, to sign the order of dismissal on  
my behalf:

Phoenix/Prescott: Senior United States District Judge Stephen M. McNamee

1 recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1)(C); see Baxter v.  
2 Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991). Parties have fourteen days from the service  
3 of a copy of the Magistrate’s recommendation within which to file specific written  
4 objections to the Court. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72. Failure to object to a  
5 Magistrate Judge’s recommendation relieves the Court of conducting *de novo* review of  
6 the Magistrate Judge’s factual findings and waives all objections to those findings on  
7 appeal. See Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998). A failure to object to a  
8 Magistrate Judge’s conclusion “is a factor to be weighed in considering the propriety of  
9 finding waiver of an issue on appeal.” Id.

10 **DISCUSSION**

11 Having reviewed the Report and Recommendation of the Magistrate Judge, and no  
12 Objections having been made by any party thereto, the Court hereby incorporates and  
13 adopts the Magistrate Judge’s Report and Recommendation.

14 **CONCLUSION**

15 Accordingly, for the reasons set forth,

16 **IT IS HEREBY ORDERED** adopting the Report and Recommendation of the  
17 Magistrate Judge. (Doc. 20).

18 **IT IS FURTHER ORDERED** dismissing without prejudice this case.

19 **IT IS FURTHER ORDERED** directing the Clerk of the Court to terminate this  
20 case.

21 Dated this 16th day of May, 2023.

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24 Honorable Stephen M. McNamee  
Senior United States District Judge

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